

1 Lawrence J. Dreyfuss, Bar No. 76277  
2 THE DREYFUSS FIRM  
3 A Professional Law Corporation  
4 7700 Irvine Center Drive, Suite 710  
Irvine, California 92618  
(949) 727-0977; Facsimile (949) 450-0668

5 Attorneys for Defendant T.D. Service Company  
6

7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA  
9

10 CHRISTOPHER JANUARY,	)	Case No.: SACV11-1133-AG (RNBx)
	)	
11 Plaintiff,	)	
12 vs.	)	DECLARATION OF FRAN DEPALMA IN
	)	OPPOSITION TO PETITION FOR
13 TD SERVICE COMPANY,	)	TEMPORARY RESTRAINING ORDER
	)	
14 Defendants	)	
	)	
	)	
	)	

17 I, Fran DePalma, declare:  
18

19 1. I am a vice-president of operations for T.D. Service Company, the named  
20 defendant in this action. T.D. Service Company is a foreclosure company that is retained to  
21 process nonjudicial foreclosures, including the pending foreclosure which is the subject of this  
22 lawsuit brought by Christopher January. I am the supervisor for the foreclosure unit that is  
23 processing the subject foreclosure, and have familiarized myself with the documentation  
24 contained within the foreclosure file.

25 2. T.D. Service Company does not claim to be the beneficiary under the Deed of Trust  
26 containing the Power of Sale giving rise to the pending foreclosure. It has no direct interest in  
27 the Note and Deed of Trust, and has merely been retained to process the foreclosure as  
28


DECLARATION OF FRAN DEPALMA IN OPPOSITION TO PETITION  
FOR TEMPORARY RESTRAINING ORDER

1 substituted trustee. T.D. is informed and believes that Bank of America is the present  
2 beneficiary and is processing the foreclosure based upon those instructions from Bank of  
3 America.  
4

5 3. T.D. Service Company was duly substituted in as trustee by means of a document  
6 entitled Substitution of Trustee which was recorded May 13, 2009 as instrument number  
7 20090707111. A true and correct copy of the Substitution of Trustee is attached hereto as  
8 Exhibit "A" and incorporated herein by this reference. T.D. Service Company had no  
9 involvement with the origination of the subject Note and Deed of Trust which on their face  
10 indicate that they were created in or about October of 2006. T.D. Service Company did not  
11 receive or charge any fees or yield spread premium in relation to the origination of the loan, did  
12 not act as loan broker or appraiser, or have any other involvement whatsoever in the creation of  
13 the loan in 2006.

14 4. Plaintiff Christopher January has provided no documentation to T.D. Service  
15 Company at any time indicating that he is in the military, or otherwise subject to the protections  
16 of the Serviceman's Civil Protection Act of 1940.

17 I declare under penalty of perjury that the foregoing is true and correct and that this  
18 declaration was executed this <sup>th</sup>~~26~~ day of August 2011 at Santa Ana, California.  
19

20  
21   
22 FRAN DEPALMA

23 1040-2621  
24  
25  
26  
27  
28

**EXHIBIT “A”**

RECORDING REQUESTED BY

T.D. SERVICE COMPANY

and when recorded mail to  
T.D. SERVICE COMPANY  
1820 E. FIRST ST., SUITE 210  
P.O. BOX 11988  
SANTA ANA, CA 92711-1988

THIS IS TO CERTIFY THAT THIS IS A FULL,  
TRUE AND CORRECT COPY OF THE ORIGINAL  
RECORDED IN THE OFFICE OF THE COUNTY

RECORDING FEE: \$18.00

RECORDED ON: May 13, 2009

AS DOCUMENT NO: 09-0707111

BY: s/ Melissa Ignat

LSI TITLE COMPANY (CA)

09-0707111

Space above this line for recorder's use

### SUBSTITUTION OF TRUSTEE

T.S. No: A381443 CA Unit Code: A Loan No: 4382125/JANUARY

AP #1: 5069-030-005

Property Address: 1417 SOUTH RIDGELEY DRIVE, LOS ANGELES, CA 90019

NOTICE IS HEREBY GIVEN: That the undersigned present beneficiary desires to substitute a new Trustee under the Deed of Trust hereinafter referred to in the place and stead of the present Trustee thereunder, in the manner provided for in said Deed of Trust and does hereby substitute **T.D. SERVICE COMPANY, 1820 E. First St., Suite 210, P.O. Box 11988, Santa Ana, CA 92705**

FIDELITY NATIONAL was the original Trustee in the Deed of Trust hereinafter described:

Truster: CHRISTOPHER L. JANUARY

Recorded October 19, 2006 as Instr. No. 06 2322100 in Book --- Page --- of Official Records in the office of the Recorder of LOS ANGELES County; CALIFORNIA

Dated 02/12/09

BANK OF AMERICA, NATIONAL ASSOCIATION, AS SUCCESSOR BY MERGER TO LASALLE BANK, N.A. AS TRUSTEE FOR THE MLMI TRUST SERIES 2007-HEL  
BY Wilshire Credit Corp., Its Attorney In Fact

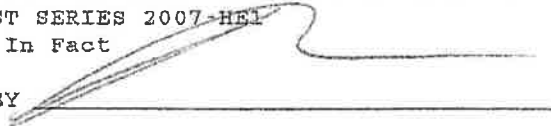
BY



Becky North

Authorized Agent

BY



Rick Wilken

Authorized Agent

T.S. NO. A381443

Loan No. 4382125/JANUARY

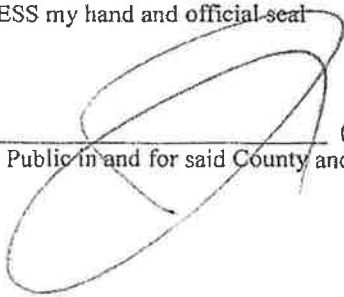
FOR CORPORATE-ATTY-IN-FACT ACKNOWLEDGEMENT

STATE OF : Minnesota

COUNTY OF: Dakota

On 2/20/11 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Becky North, personally known to me to be the Authorized Agent and Rick Wilken, personally known to me to be the Authorized Agent of Wilshire Credit Corporation and known to me to be the persons who executed the within instrument on behalf of Wilshire Credit Corporation the corporation that executed and whose name is subscribed to the within instrument as Attorney-in-Fact of BANK OF AMERICA, NATIONAL ASSOCIATION, AS SUCCESSOR BY MERGER TO LASALLE BANK, N.A. AS TRUSTEE FOR THE MLMI TRUST SERIES 2007-HE1, and acknowledged to me that they subscribed the name of BANK OF AMERICA, NATIONAL ASSOCIATION, AS SUCCESSOR BY MERGER TO LASALLE BANK, N.A. AS TRUSTEE FOR THE MLMI TRUST SERIES 2007-HE1, thereto as Principle and the name of Wilshire Credit Corporation, as Attorney-In -Fact for said BANK OF AMERICA, NATIONAL ASSOCIATION, AS SUCCESSOR BY MERGER TO LASALLE BANK, N.A. AS TRUSTEE FOR THE MLMI TRUST SERIES 2007-HE1, and that said Wilshire Credit Corporation, executed the same as such Attorney-In-Fact.

WITNESS my hand and official seal

  
(Seal)  
Notary Public in and for said County and State



## AFFIDAVIT

T.S. No: A381443 CA Unit Code: A Loan No: 4382125/JANUARY

STATE OF CALIFORNIA       )  
COUNTY OF ORANGE       )ss.

On 05/12/09, I mailed a copy of the attached Substitution of Trustee to the Trustee of record under the Deed of Trust described in said Substitution; and

A copy of the attached Substitution has been mailed, prior to the recording thereof, in the manner provided in Section 2924b of the Civil Code of the State of California, to all persons to whom a copy of the Notice of Default would be required to be mailed by the provisions of said section.

I declare under penalty of perjury that the foregoing is true and correct.

  
Signature of Affiant

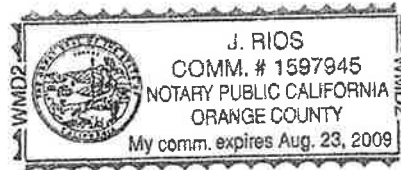
STATE OF California    )  
COUNTY OF Orange    )SS

On 05/12/09 before me, J RIOS, a Notary Public, personally appeared Tracy Frisch, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the Laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



AFFIDAV

PROOF OF SERVICE (By Mail)  
(CCP Section 1013a(3))

I am over the age of 18, and I am not a party to the within action. I am employed by THE DREYFUSS FIRM, PLC, in the County of Orange, at 7700 Irvine Center Drive, Suite 710, Irvine, CA 92618.

On August 29, 2011, I served the attached: **Declaration of Fran DePalma in Opposition to Petition for Temporary Restraining Order** on the interested parties in this action by placing true copies thereof in sealed envelopes, addressed as follows:

**Christopher January**  
**1417 South Ridgeley Drive**  
**Los Angeles, CA 90019**

☒ **(By Mail)** I placed said envelopes for collection and mailing, following ordinary business practices, at the business offices of THE DREYFUSS FIRM, PLC at the address set forth above, for deposit in the United States Postal Service. I am readily familiar with the practice of THE DREYFUSS FIRM, PLC for collection and processing of correspondence for mailing with the United States Postal Service, and said envelopes will be deposited with the United States Postal Service on said date in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **(By Facsimile Transmission)** I served the above-described document on the interested parties in this action by sending a true copy thereof by facsimile transmission pursuant to California rules of Court, Rule 2009(i)2, from facsimile machine number (949) 450-0668. The facsimile machine I used complied with California Rules of Court, Rule 2003(3), and no error was reported by the machine. Pursuant to Rule 2009(i)4, I caused the machine to print a transmission record of the transmission

I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare, under penalty of perjury under the laws of the State of California, that the above is true and correct.

Executed on August 29, 2011, at Irvine, California.

  
Roma Klein